

EXHIBIT 1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

ISABEL ZELAYA, et al.,

Plaintiffs,

v.

ROBERT HAMMER, et al.,

Defendants.

No. 3:19-CV-00062-TRM-CHS

**DECLARATION OF VIVIANA GARCIA IN SUPPORT OF
PLAINTIFFS' AND INDIVIDUAL DEFENDANTS' JOINT MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT
AND ENTRY OF FINAL JUDGMENT**

1. My name is Viviana Garcia. I am a Senior Bilingual Administrative Assistant at the Immigrant Justice Project of the Southern Poverty Law Center (SPLC) and a member of the legal team representing the Plaintiffs in the above-captioned civil action. I submit this declaration in support of Plaintiffs' and Individual Defendants' Joint Motion for Final Approval of Class Action Settlement Agreement and Entry of Final Judgment.

2. During the class action notice period, attorneys and legal support staff from SPLC and the National Immigration Law Center (NILC) have worked to locate and contact Class Members. These contacts have occurred in person and via telephone, text message, WhatsApp, and email. Class Counsel also posted the Settlement Agreement, including Notice and Claim Form, on their websites. The goals of Class Counsel's communications with Class Members are to inform Class Members of the Settlement Agreement and its terms, confirm receipt of the

Notice packet from the Settlement Administrator, and answer Class Members' questions about the Settlement Agreement. Class Counsel also transmitted the notice packet to Class Members via WhatsApp upon request.

3. Class Counsel has communicated directly with 92 Class Members, the wife of one Class Member, and the next of kin for two deceased Class Members.

4. Four Class Members informed Class Counsel that they are not able to receive mail because they live in rural areas outside the United States without street names. Class Counsel sent notice packets to those individuals via email and WhatsApp.

5. The Settlement Administrator mailed notice packets to the last known addresses of 92 Class Members. Six notice packets were remailed upon request when Class Counsel received updated addresses.

6. To date, Class Counsel has been unable to communicate directly with one Class Member from the list submitted to the Court. Class Counsel continues to make diligent efforts to locate that Class Member, including via public records searches and inquiries within the Morristown community. Class Counsel also obtained from counsel for the United States the last known addresses of that Class Member. The Settlement Administrator sent Notice packets to the last known addresses of this Class Member.


7. As of the date of this declaration, Class Counsel is aware of 94 Claim Forms that have been timely submitted to the Settlement Administrator by Class Members.

8. In addition, two individuals who did not appear on the list of Class Members submitted Claim Forms to the Settlement Administrator. The Settlement Administrator received both Claim Forms before it mailed the packets to Class Members in accordance with the Court's October 19, 2022 order. Class Counsel inquired with counsel for the United States whether they

had any information indicating that these individuals were Class Members. The United States found no evidence that these individuals were part of the Class. Class Counsel also contacted those individuals at the mailing addresses and email addresses they provided to the Settlement Administrator and requested that they provide evidence of their status as Class Members. To date, neither has provided evidence sufficient to establish their status as Class Members.

I declare under penalty of perjury that the foregoing is true and correct.

Date: February 13, 2023



Viviana Garcia